

I certify that the attached is a true and correct copy of HJR 30, which was filed of record on JAN 26 1983

and referred to the committee on:

State Affairs

Betty Murray  
Chief Clerk of the House

1983 MAR -4 PM 2:16  
HOUSE OF REPRESENTATIVES

FILED JAN 26 1983

By Hollanull

HJ.R. No. 30

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing statutory  
2 provisions for succession of public office during disasters caused  
3 by enemy attack, and authorizing the suspension of certain  
4 constitutional rules relating to legislative procedure during those  
5 disasters or during immediate threat of enemy attack.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. That Article III, Section 62, of the Texas  
8 Constitution be amended to read as follows:

9 Sec. 62. (a) The Legislature, in order to insure  
10 continuity of state and local governmental operations in periods of  
11 emergency resulting from disasters caused by enemy attack, shall  
12 have the power and the immediate duty to provide for prompt and  
13 temporary succession to the powers and duties of public offices,  
14 [~~except-members-of-the-Legislature;~~] of whatever nature and whether  
15 filled by election or appointment, the incumbents of which may  
16 become unavailable for carrying on the powers and duties of such  
17 offices. Provided, however, that Article I of the Constitution of  
18 Texas, known as the "Bill of Rights" shall not be in any manner[7]  
19 affected, amended, impaired, suspended, repealed or suspended  
20 hereby.

21 (b) When such a period of emergency or the immediate threat  
22 of enemy attack exists, the Legislature may suspend procedural  
23 rules imposed by this Constitution that relate to:

24 (1) the order of business of the Legislature;

1           (2) the percentage of each house of the Legislature  
2 necessary to constitute a quorum;

3           (3) the requirement that a bill must be read on three days  
4 in each house before it has the force of law;

5           (4) the requirement that a bill must be referred to and  
6 reported from committee before its consideration; and

7           (5) the date on which laws passed by the Legislature take  
8 effect.

9           (c) When such a period of emergency or the immediate threat  
10 of enemy attack exists, the Governor, after consulting with the  
11 Lieutenant Governor and the Speaker of the House of  
12 Representatives, may suspend the constitutional requirement that  
13 the Legislature hold its sessions in Austin, the seat of  
14 government. When this requirement has been suspended, the Governor  
15 shall determine a place other than Austin at which the Legislature  
16 will hold its sessions during such period of emergency or immediate  
17 threat of enemy attack. The Governor shall notify the Lieutenant  
18 Governor and the Speaker of the House of Representatives of the  
19 place and time at which the Legislature will meet. The Governor  
20 may take security precautions, consistent with the state of  
21 emergency, in determining the extent to which that information may  
22 be released.

23           (d) To suspend the constitutional rules specified by  
24 Subsection (b) of this section, the Governor must issue a  
25 proclamation and the House of Representatives and the Senate must  
26 concur in the proclamation as provided by this section.

27           (e) The Governor's proclamation must declare that a period

1 of emergency resulting from disasters caused by enemy attack  
2 exists, or that the immediate threat of enemy attack exists, and  
3 that suspension of constitutional rules relating to legislative  
4 procedure is necessary to assure continuity of state government.  
5 The proclamation must specify the period, not to exceed two years,  
6 during which the constitutional rules specified by Subsection (b)  
7 of this section are suspended.

8 (f) The House of Representatives and the Senate, by  
9 concurrent resolution approved by the majority of the members  
10 present, must concur in the Governor's proclamation. A resolution  
11 of the House of Representatives and the Senate concurring in the  
12 Governor's proclamation suspends the constitutional rules specified  
13 by Subsection (b) of this section for the period of time specified  
14 by the Governor's proclamation.

15 (g) The constitutional rules specified by Subsection (b) of  
16 this section may not be suspended for more than two years under a  
17 single proclamation. A suspension may be renewed, however, if the  
18 Governor issues another proclamation as provided by Subsection (e)  
19 of this section and the House of Representatives and the Senate, by  
20 concurrent resolution, concur in that proclamation.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held on November 8,  
23 1983. The ballot shall be printed to provide for voting for or  
24 against the proposition: "The constitutional amendment authorizing  
25 statutory provisions for succession of public office during  
26 disasters caused by enemy attack, and authorizing the suspension of  
27 certain constitutional rules relating to legislative procedure

1 during those disasters or during immediate threat of enemy attack."

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 7, 1983

Honorable James E. (Pete) Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 30  
By: Hollowell

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 30 (proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this Resolution is \$56,950.

  
Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, BL

1963 MAR 29 PM 12:01  
HOUSE OF REPRESENTATIVES

# HOUSE COMMITTEE REPORT

1st Printing

By Hollowell

H.J.R. No. 30

## A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing statutory  
2 provisions for succession of public office during disasters caused  
3 by enemy attack, and authorizing the suspension of certain  
4 constitutional rules relating to legislative procedure during those  
5 disasters or during immediate threat of enemy attack.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. That Article III, Section 62, of the Texas  
8 Constitution be amended to read as follows:

9 Sec. 62. (a) The Legislature, in order to insure  
10 continuity of state and local governmental operations in periods of  
11 emergency resulting from disasters caused by enemy attack, shall  
12 have the power and the immediate duty to provide for prompt and  
13 temporary succession to the powers and duties of public offices,  
14 [~~except-members-of-the-Legislature,~~] of whatever nature and whether  
15 filled by election or appointment, the incumbents of which may  
16 become unavailable for carrying on the powers and duties of such  
17 offices. Provided, however, that Article I of the Constitution of  
18 Texas, known as the "Bill of Rights" shall not be in any manner[7]  
19 affected, amended, impaired, suspended, repealed or suspended  
20 hereby.

21 (b) When such a period of emergency or the immediate threat  
22 of enemy attack exists, the Legislature may suspend procedural  
23 rules imposed by this Constitution that relate to:

24 (1) the order of business of the Legislature;

1       (2) the percentage of each house of the Legislature  
2 necessary to constitute a quorum;

3       (3) the requirement that a bill must be read on three days  
4 in each house before it has the force of law;

5       (4) the requirement that a bill must be referred to and  
6 reported from committee before its consideration; and

7       (5) the date on which laws passed by the Legislature take  
8 effect.

9       (c) When such a period of emergency or the immediate threat  
10 of enemy attack exists, the Governor, after consulting with the  
11 Lieutenant Governor and the Speaker of the House of  
12 Representatives, may suspend the constitutional requirement that  
13 the Legislature hold its sessions in Austin, the seat of  
14 government. When this requirement has been suspended, the Governor  
15 shall determine a place other than Austin at which the Legislature  
16 will hold its sessions during such period of emergency or immediate  
17 threat of enemy attack. The Governor shall notify the Lieutenant  
18 Governor and the Speaker of the House of Representatives of the  
19 place and time at which the Legislature will meet. The Governor  
20 may take security precautions, consistent with the state of  
21 emergency, in determining the extent to which that information may  
22 be released.

23       (d) To suspend the constitutional rules specified by  
24 Subsection (b) of this section, the Governor must issue a  
25 proclamation and the House of Representatives and the Senate must  
26 concur in the proclamation as provided by this section.

27       (e) The Governor's proclamation must declare that a period

1 of emergency resulting from disasters caused by enemy attack  
 2 exists, or that the immediate threat of enemy attack exists, and  
 3 that suspension of constitutional rules relating to legislative  
 4 procedure is necessary to assure continuity of state government.  
 5 The proclamation must specify the period, not to exceed two years,  
 6 during which the constitutional rules specified by Subsection (b)  
 7 of this section are suspended.

8 (f) The House of Representatives and the Senate, by  
 9 concurrent resolution approved by the majority of the members  
 10 present, must concur in the Governor's proclamation. A resolution  
 11 of the House of Representatives and the Senate concurring in the  
 12 Governor's proclamation suspends the constitutional rules specified  
 13 by Subsection (b) of this section for the period of time specified  
 14 by the Governor's proclamation.

15 (g) The constitutional rules specified by Subsection (b) of  
 16 this section may not be suspended for more than two years under a  
 17 single proclamation. A suspension may be renewed, however, if the  
 18 Governor issues another proclamation as provided by Subsection (e)  
 19 of this section and the House of Representatives and the Senate, by  
 20 concurrent resolution, concur in that proclamation.

21 SECTION 2. This proposed constitutional amendment shall be  
 22 submitted to the voters at an election to be held on November 8,  
 23 1983. The ballot shall be printed to provide for voting for or  
 24 against the proposition: "The constitutional amendment authorizing  
 25 statutory provisions for succession of public office during  
 26 disasters caused by enemy attack, and authorizing the suspension of  
 27 certain constitutional rules relating to legislative procedure



H.J.R. No. 30

1 during those disasters or during immediate threat of enemy attack."

# COMMITTEE REPORT

3/28/83  
(date)

The Honorable Gib Lewis  
Speaker of the House of Representatives

Sir:

We, your COMMITTEE ON STATE AFFAIRS, to whom was referred HR 30 have had the same under consideration and beg to report back with the recommendation that it (measure)

- (☒) do pass, without amendment.  
(☐) do pass, with amendment(s).  
(☐) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (☒ yes (☐ no

An author's fiscal statement was requested. (☐ yes (☐ no

An actuarial analysis was requested. (☐ yes (☐ no

The Committee recommends that this measure be placed on the (Local) or (Consent) Calendar.

This measure (☐) proposes new law.  
(☐) amends existing law.

(X) proposes an amendment to the Constitution  
House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Laney, Ch.	<input checked="" type="checkbox"/>			
Ceverha, V.C.	<input checked="" type="checkbox"/>			
Millsap, C.B.O.	<input checked="" type="checkbox"/>			
Bomer	<input checked="" type="checkbox"/>			
Bush	<input checked="" type="checkbox"/>			
Davis	<input checked="" type="checkbox"/>			
Gilley	<input checked="" type="checkbox"/>			
Green	<input checked="" type="checkbox"/>			
Hill, P.	<input checked="" type="checkbox"/>			
Horn	<input checked="" type="checkbox"/>			
Keller	<input checked="" type="checkbox"/>			
Pennington	<input checked="" type="checkbox"/>			
Short	<input checked="" type="checkbox"/>			
Smith, C.	<input checked="" type="checkbox"/>			
Stiles	<input checked="" type="checkbox"/>			

Total  
15 aye  
0 nay  
0 present, not voting  
0 absent

[Signature]  
CHAIRMAN

[Signature]  
COMMITTEE COORDINATOR

## BILL ANALYSIS

### Background

Currently, there are no constitutional statutory provisions that provide for suspension of certain constitutional rules relating to legislative procedure during disasters caused by enemy attack.

### Purpose

This resolution proposes to provide for succession of public office in relation to members of the legislature; to provide for mobility of the legislature to prevent destruction of state government; to provide for the legislature to function without the normal quorum; and to provide for the adoption of rules by the legislature in place of the current restrictive rules during disasters caused by enemy attack.

### Section by Section Analysis

- Sec. 1(a) Amends Article III, Section 62 of the Texas Constitution by deleting "except members of the Legislature" in reference to the power of the Legislature to provide for prompt and temporary succession to the powers and duties of public offices in periods of emergency.
- Sec. 1(b) Sets forth provisions for the Legislature to suspend procedural rules imposed by the Texas Constitution that relate to the order of business of the Legislature; the percentage of each house necessary to constitute a quorum; the requirement of bills being read on three days before each house; the requirement of bills being referred to and reported from committee's; and the effective date of laws passed.
- Sec. 1(c) Sets forth provisions for the Governor to suspend the constitutional requirement that the Legislature hold its sessions in Austin, during periods of emergency.
- Sec. 1(d) In order to suspend the constitutional rules during periods of emergency the Governor must issue a proclamation and both houses must concur in the proclamation.
- Sec. 1(e) Sets forth conditions of the Governor's proclamation and conditions for suspending constitutional rules.
- Sec. 1(f) Sets forth conditions for a concurrent resolution to be approved by the majority of members present in each house to concur in the Governor's proclamation to suspend the constitutional rules.
- Sec. 1(g) Constitutional rules may not be suspended more than two years under a single proclamation. Provisions are included for renewal of a suspension.
- Sec. 2 Provides for submission of proposed constitutional amendment to voters at an election to be held on November 8, 1983.

### Rulemaking Authority

It is the committee's opinion that this resolution does not delegate rulemaking authority to a state officer, agency, department or institution.

Summary of Committee Action

Public notice was posted in accordance with the Rules of Procedure of the House of Representatives and a public hearing was held on March 28, 1983.

On March 28, 1983 the full committee voted to report H.J.R. 30 to the House without amendments and the recommendation that it do pass by a record vote of 15 ayes and 0 nays.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 7, 1983

Honorable James E. (Pete) Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 30  
By: Hollowell

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 30 (proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this Resolution is \$56,950.



Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, BL

1983 APR 12 PM 1:53  
HOUSE OF REPRESENTATIVES

# HOUSE ENGROSSMENT

By Hollowell

H.J.R. No. 30

## A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing statutory  
2 provisions for succession of public office during disasters caused  
3 by enemy attack, and authorizing the suspension of certain  
4 constitutional rules relating to legislative procedure during those  
5 disasters or during immediate threat of enemy attack.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. That Article III, Section 62, of the Texas  
8 Constitution be amended to read as follows:

9 Sec. 62. (a) The Legislature, in order to insure  
10 continuity of state and local governmental operations in periods of  
11 emergency resulting from disasters caused by enemy attack, shall  
12 have the power and the immediate duty to provide for prompt and  
13 temporary succession to the powers and duties of public offices,  
14 [~~except-members-of-the-Legislature,~~] of whatever nature and whether  
15 filled by election or appointment, the incumbents of which may  
16 become unavailable for carrying on the powers and duties of such  
17 offices. Provided, however, that Article I of the Constitution of  
18 Texas, known as the "Bill of Rights" shall not be in any manner[7]  
19 affected, amended, impaired, suspended, repealed or suspended  
20 hereby.

21 (b) When such a period of emergency or the immediate threat  
22 of enemy attack exists, the Legislature may suspend procedural  
23 rules imposed by this Constitution that relate to:

24 (1) the order of business of the Legislature;

1           (2) the percentage of each house of the Legislature  
2 necessary to constitute a quorum;

3           (3) the requirement that a bill must be read on three days  
4 in each house before it has the force of law;

5           (4) the requirement that a bill must be referred to and  
6 reported from committee before its consideration; and

7           (5) the date on which laws passed by the Legislature take  
8 effect.

9           (c) When such a period of emergency or the immediate threat  
10 of enemy attack exists, the Governor, after consulting with the  
11 Lieutenant Governor and the Speaker of the House of  
12 Representatives, may suspend the constitutional requirement that  
13 the Legislature hold its sessions in Austin, the seat of  
14 government. When this requirement has been suspended, the Governor  
15 shall determine a place other than Austin at which the Legislature  
16 will hold its sessions during such period of emergency or immediate  
17 threat of enemy attack. The Governor shall notify the Lieutenant  
18 Governor and the Speaker of the House of Representatives of the  
19 place and time at which the Legislature will meet. The Governor  
20 may take security precautions, consistent with the state of  
21 emergency, in determining the extent to which that information may  
22 be released.

23           (d) To suspend the constitutional rules specified by  
24 Subsection (b) of this section, the Governor must issue a  
25 proclamation and the House of Representatives and the Senate must  
26 concur in the proclamation as provided by this section.

27           (e) The Governor's proclamation must declare that a period

1 of emergency resulting from disasters caused by enemy attack  
 2 exists, or that the immediate threat of enemy attack exists, and  
 3 that suspension of constitutional rules relating to legislative  
 4 procedure is necessary to assure continuity of state government.  
 5 The proclamation must specify the period, not to exceed two years,  
 6 during which the constitutional rules specified by Subsection (b)  
 7 of this section are suspended.

8 (f) The House of Representatives and the Senate, by  
 9 concurrent resolution approved by the majority of the members  
 10 present, must concur in the Governor's proclamation. A resolution  
 11 of the House of Representatives and the Senate concurring in the  
 12 Governor's proclamation suspends the constitutional rules specified  
 13 by Subsection (b) of this section for the period of time specified  
 14 by the Governor's proclamation.

15 (g) The constitutional rules specified by Subsection (b) of  
 16 this section may not be suspended for more than two years under a  
 17 single proclamation. A suspension may be renewed, however, if the  
 18 Governor issues another proclamation as provided by Subsection (e)  
 19 of this section and the House of Representatives and the Senate, by  
 20 concurrent resolution, concur in that proclamation.

21 SECTION 2. This proposed constitutional amendment shall be  
 22 submitted to the voters at an election to be held on November 8,  
 23 1983. The ballot shall be printed to provide for voting for or  
 24 against the proposition: "The constitutional amendment authorizing  
 25 statutory provisions for succession of public office during  
 26 disasters caused by enemy attack, and authorizing the suspension of  
 27 certain constitutional rules relating to legislative procedure



H.J.R. No. 30

1 during those disasters or during immediate threat of enemy attack."

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 7, 1983

Honorable James E. (Pete) Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

In Re: House Joint Resolution No. 30  
By: Hollowell

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 30 (proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this Resolution is \$56,950.

  
Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, BL

1 By: Hollowell (Senate Sponsor - Traeger) H.J.R. No. 30  
2 (In the Senate - Received from the House April 13, 1983;  
3 April 14, 1983, read first time and referred to Committee on State  
4 Affairs; April 21, 1983, reported favorably; April 21, 1983, sent  
5 to printer.)

6 A JOINT RESOLUTION

7 proposing a constitutional amendment authorizing statutory  
8 provisions for succession of public office during disasters caused  
9 by enemy attack, and authorizing the suspension of certain  
10 constitutional rules relating to legislative procedure during those  
11 disasters or during immediate threat of enemy attack.

12 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

13 SECTION 1. That Article III, Section 62, of the Texas  
14 Constitution be amended to read as follows:

15 Sec. 62. (a) The Legislature, in order to insure  
16 continuity of state and local governmental operations in periods of  
17 emergency resulting from disasters caused by enemy attack, shall  
18 have the power and the immediate duty to provide for prompt and  
19 temporary succession to the powers and duties of public offices,  
20 ~~[except-members-of-the-Legislature;]~~ of whatever nature and whether  
21 filled by election or appointment, the incumbents of which may  
22 become unavailable for carrying on the powers and duties of such  
23 offices. Provided, however, that Article I of the Constitution of  
24 Texas, known as the "Bill of Rights" shall not be in any manner[;]  
25 affected, amended, impaired, suspended, repealed or suspended  
26 hereby.

27 (b) When such a period of emergency or the immediate threat  
28 of enemy attack exists, the Legislature may suspend procedural  
29 rules imposed by this Constitution that relate to:

30 (1) the order of business of the Legislature;

31 (2) the percentage of each house of the Legislature  
32 necessary to constitute a quorum;

33 (3) the requirement that a bill must be read on three days  
34 in each house before it has the force of law;

35 (4) the requirement that a bill must be referred to and  
36 reported from committee before its consideration; and

37 (5) the date on which laws passed by the Legislature take  
38 effect.

39 (c) When such a period of emergency or the immediate threat  
40 of enemy attack exists, the Governor, after consulting with the  
41 Lieutenant Governor and the Speaker of the House of  
42 Representatives, may suspend the constitutional requirement that  
43 the Legislature hold its sessions in Austin, the seat of  
44 government. When this requirement has been suspended, the Governor  
45 shall determine a place other than Austin at which the Legislature  
46 will hold its sessions during such period of emergency or immediate  
47 threat of enemy attack. The Governor shall notify the Lieutenant  
48 Governor and the Speaker of the House of Representatives of the  
49 place and time at which the Legislature will meet. The Governor  
50 may take security precautions, consistent with the state of  
51 emergency, in determining the extent to which that information may  
52 be released.

53 (d) To suspend the constitutional rules specified by  
54 Subsection (b) of this section, the Governor must issue a  
55 proclamation and the House of Representatives and the Senate must  
56 concur in the proclamation as provided by this section.

57 (e) The Governor's proclamation must declare that a period  
58 of emergency resulting from disasters caused by enemy attack  
59 exists, or that the immediate threat of enemy attack exists, and  
60 that suspension of constitutional rules relating to legislative  
61 procedure is necessary to assure continuity of state government.  
62 The proclamation must specify the period, not to exceed two years,  
63 during which the constitutional rules specified by Subsection (b)  
64 of this section are suspended.

65 (f) The House of Representatives and the Senate, by  
66 concurrent resolution approved by the majority of the members  
67 present, must concur in the Governor's proclamation. A resolution  
68 of the House of Representatives and the Senate concurring in the

Governor's proclamation suspends the constitutional rules specified by Subsection (b) of this section for the period of time specified by the Governor's proclamation.

(g) The constitutional rules specified by Subsection (b) of this section may not be suspended for more than two years under a single proclamation. A suspension may be renewed, however, if the Governor issues another proclamation as provided by Subsection (e) of this section and the House of Representatives and the Senate, by concurrent resolution, concur in that proclamation.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held on November 8, 1983. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack, and authorizing the suspension of certain constitutional rules relating to legislative procedure during those disasters or during immediate threat of enemy attack."

\* \* \* \* \*

Austin, Texas  
April 21, 1983

Hon. William P. Hobby  
President of the Senate

Sir:

We, your Committee on State Affairs to which was referred H.J.R. No. 30, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

Farabee, Chairman

Proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack, and authorizing the suspension of certain constitutional rules relating to legislative procedure during those disasters or during immediate threat of enemy attack.

Background Information:

In 1962, the Constitution of Texas was amended to provide that the legislature could by law provide for succession of public office, except members of the legislature. Subsequent to the adoption of this amendment, statutes were passed to set up a system to provide for succession of public office from the Governor on down in the event of a serious disaster caused by enemy attack upon the U.S. and the State of Texas. The original study which prompted this constitutional amendment by the National Governors Association and the Council of State Governments had recommended that all branches of government including the legislature be covered by the continuity of government provision in the state Constitution and enabling state legislation. This amendment has for its purpose the completion of Texas' preparation for continuity of government under emergency circumstances that would exist if the U.S. or the State of Texas were ever attacked by a foreign power. A recent study by the National Governor's Association published in December of 1982 encourages the states to update and complete their program for state continuity of government.

Problems that the Bill Addresses:

1. This Constitutional amendment would provide authority for the legislature to amend Article III, Section 62 of the Texas Constitution and insert the legislature. By so doing, the legislature could set up a system of succession to legislative seats on a temporary basis where the emergency condition prevented the holding of an election.
2. With modern warfare, state capitols might be viable targets for enemy attack. In order to prevent the annihilation of all state leadership, this amendment would allow the Governor, after certain procedures are followed, to convene the legislature wherever he would deem appropriate consistent with safety and continuity of government.
3. Since an attack on the U.S. and the state of Texas in all likelihood would hit the major metropolitan areas, it is possible that a quorum could not be obtained after an attack. This amendment would allow the legislature to operate with less than a quorum under these dire circumstances.
4. This amendment would also allow the legislature under the circumstances outlined above to suspend certain procedural requirements in the Constitution and substitute legislative rules and procedures until the end of the emergency or not to exceed two years.

How This Bill Will Solve the Problem(s):

1. Would establish a system of succession of public office as far as members of the legislature are concerned.
2. Would make it possible to move the legislature from place to place in order to prevent destruction of state government under an attack situation.
3. Would allow the legislature to function without the normal quorum during such emergencies.
4. Would allow the legislature to adopt its own rules in place of the restrictive rules found in the Constitution for its operation during such an emergency.

This bill amends existing law and proposes new law.

Section by Section Analysis:

SECTION 1: Amends Article III, Section 62, Texas Constitution to:

- (a) delete the language "except members of the Legislature."
- (b) provide for suspension of constitutional rules of procedure and allows the legislature to structure temporary rules during emergencies, (but not to exceed two years).
- (c) provide for alternative meeting places for special or regular sessions of the legislature.
- (d) - (g) provide implementing procedures for carrying out the purposes of this Act.

SECTION 2: Provides that this constitutional amendment be submitted to voters at election held on November 8, 1983.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 7, 1983

Honorable James E. (Pete) Laney, Chair  
Committee on State Affairs  
House of Representatives  
Austin, Texas

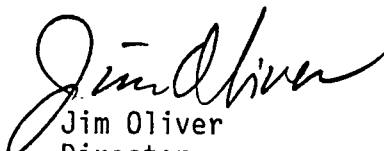
In Re: House Joint Resolution No. 30  
By: Hollowell

Sir:

In response to your request for a Fiscal Note on House Joint Resolution No. 30 (proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack) this office has determined the following:

No significant fiscal implication to the State or units of local government is anticipated.

The cost of publication of this Resolution is \$56,950.

  
Jim Oliver  
Director

Source: Secretary of State;  
LBB Staff: JO, JH, SB, BL

F

ENROLLED

H.J.R. No. 30

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing statutory  
2 provisions for succession of public office during disasters caused  
3 by enemy attack, and authorizing the suspension of certain  
4 constitutional rules relating to legislative procedure during those  
5 disasters or during immediate threat of enemy attack.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. That Article III, Section 62, of the Texas  
8 Constitution be amended to read as follows:

9 Sec. 62. (a) The Legislature, in order, to insure  
10 continuity of state and local governmental operations in periods of  
11 emergency resulting from disasters caused by enemy attack, shall  
12 have the power and the immediate duty to provide for prompt and  
13 temporary succession to the powers and duties of public offices,  
14 ~~[except-members-of-the-Legislature,]~~ of whatever nature and whether  
15 filled by election or appointment, the incumbents of which may  
16 become unavailable for carrying on the powers and duties of such  
17 offices. Provided, however, that Article I of the Constitution of  
18 Texas, known as the "Bill of Rights" shall not be in any manner~~[,]~~  
19 affected, amended, impaired, suspended, repealed or suspended  
20 hereby.

21 (b) When such a period of emergency or the immediate threat  
22 of enemy attack exists, the Legislature may suspend procedural  
23 rules imposed by this Constitution that relate to:

24 (1) the order of business of the Legislature;



1       (2) the percentage of each house of the Legislature  
2 necessary to constitute a quorum;

3       (3) the requirement that a bill must be read on three days  
4 in each house before it has the force of law;

5       (4) the requirement that a bill must be referred to and  
6 reported from committee before its consideration; and

7       (5) the date on which laws passed by the Legislature take  
8 effect.

9       (c) When such a period of emergency or the immediate threat  
10 of enemy attack exists, the Governor, after consulting with the  
11 Lieutenant Governor and the Speaker of the House of  
12 Representatives, may suspend the constitutional requirement that  
13 the Legislature hold its sessions in Austin, the seat of  
14 government. When this requirement has been suspended, the Governor  
15 shall determine a place other than Austin at which the Legislature  
16 will hold its sessions during such period of emergency or immediate  
17 threat of enemy attack. The Governor shall notify the Lieutenant  
18 Governor and the Speaker of the House of Representatives of the  
19 place and time at which the Legislature will meet. The Governor  
20 may take security precautions, consistent with the state of  
21 emergency, in determining the extent to which that information may  
22 be released.

23       (d) To suspend the constitutional rules specified by  
24 Subsection (b) of this section, the Governor must issue a  
25 proclamation and the House of Representatives and the Senate must  
26 concur in the proclamation as provided by this section.

27       (e) The Governor's proclamation must declare that a period

1 of emergency resulting from disasters caused by enemy attack  
 2 exists, or that the immediate threat of enemy attack exists, and  
 3 that suspension of constitutional rules relating to legislative  
 4 procedure is necessary to assure continuity of state government.  
 5 The proclamation must specify the period, not to exceed two years,  
 6 during which the constitutional rules specified by Subsection (b)  
 7 of this section are suspended.

8 (f) The House of Representatives and the Senate, by  
 9 concurrent resolution approved by the majority of the members  
 10 present, must concur in the Governor's proclamation. A resolution  
 11 of the House of Representatives and the Senate concurring in the  
 12 Governor's proclamation suspends the constitutional rules specified  
 13 by Subsection (b) of this section for the period of time specified  
 14 by the Governor's proclamation.

15 (g) The constitutional rules specified by Subsection (b) of  
 16 this section may not be suspended for more than two years under a  
 17 single proclamation. A suspension may be renewed, however, if the  
 18 Governor issues another proclamation as provided by Subsection (e)  
 19 of this section and the House of Representatives and the Senate, by  
 20 concurrent resolution, concur in that proclamation.

21 SECTION 2. This proposed constitutional amendment shall be  
 22 submitted to the voters at an election to be held on November 8,  
 23 1983. The ballot shall be printed to provide for voting for or  
 24 against the proposition: "The constitutional amendment authorizing  
 25 statutory provisions for succession of public office during  
 26 disasters caused by enemy attack, and authorizing the suspension of  
 27 certain constitutional rules relating to legislative procedure

H.J.R. No. 30

1 during those disasters or during immediate threat of enemy attack."

H.J.R. No. 30

---

President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 30 was passed by the House on April 12, 1983, by the following vote: Yeas 120, Nays 18, 3 present, not voting.

---

Chief Clerk of the House

I certify that H.J.R. No. 30 was passed by the Senate on May 23, 1983, by the following vote: Yeas 25, Nays 5.

---

Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Governor

RECEIVED: \_\_\_\_\_

Date

\_\_\_\_\_  
Secretary of State

## HOUSE JOINT RESOLUTION

proposing a constitutional amendment authorizing statutory provisions for succession of public office during disasters caused by enemy attack, and authorizing the suspension of certain constitutional rules relating to legislative procedure during those disasters or during immediate threat of enemy attack.

JAN 26 1983

1. Filed with the Chief Clerk.

FEB 17 1983

2. Read first time and referred to Committee on

State Affairs

MAR 28 1983

3. Reported favorably (as amended) and sent to Printer at

9:05 am  
MAR 29 1983

MAR 29 1983

4. Printed and distributed at

12:01 pm

March 29, 1983

5. Sent to Committee on Calendars at

2:28 pm

APR 12 1983

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of 120 yeas, 18 nays, 3 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

APR 12 1983

11. Ordered Engrossed at

1:22 pm

APR 12 1983

12. Engrossed.

APR 12 1983

13. Returned to Chief Clerk at

1:53

APR 13 1983

14. Sent to the Senate.

Betty Murray

Chief Clerk of the House

APR 13 1983

15. Received from the House

APR 14 1983

16. Read, referred to Committee on STATE AFFAIRS

APR 21 1983

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

MAY 23 1983

20. Regular order of business suspended by

unanimous consent.  
(a viva voce vote.)  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 23 1983

22. Read second time

passed to third reading by:

120 yeas, 9 nays.)

23. Caption ordered amended to conform to body of bill.

MAY 23 1983

24. Senate and Constitutional 3-Day Rules suspended by vote of 24 yeas,  
5 nays to place bill on third reading and final passage.

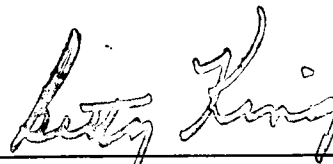
MAY 23 1983

25. Read third time and passed by

(~~a viva voce vote.~~)  
( 25 yeas, 5 nays.)

OTHER ACTION:

OTHER ACTION:



Secretary of the Senate

5-23-83

26. Returned to the House.

MAY 23 1983

27. Received from the Senate (~~as substituted~~)  
(with amendments.)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 23 1983

31. Ordered Enrolled at

4:25 pm

HOUSE OF REPRESENTATIVES  
10:21 PM MAR 29 1983  
12:53 PM APR 12 1983

AS